

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Case No. 15-cr-182-1

v.

ORDER ON MOTION FOR
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)

DOMINICK PUGLIESE

(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission,

IT IS ORDERED that the motion (Doc. No. 278) is:

☒ GRANTED

☒ The defendant's previously imposed sentence of imprisonment of 235 months is reduced to:

☒ Time served.

If the defendant's sentence is reduced to time served:

- ☐ This order is stayed for up to fourteen days, for the verification of the defendant's residence and/or establishment of a release plan, to make appropriate travel arrangements, and to ensure the defendant's safe release. The defendant shall be released as soon as a residence is verified, a release plan is established, appropriate travel arrangements are made,

and it is safe for the defendant to travel. There shall be no delay in ensuring travel arrangements are made. If more than fourteen days are needed to make appropriate travel arrangements and ensure the defendant's safe release, the parties shall immediately notify the court and show cause why the stay should be extended; or

- ☐ There being a verified residence and an appropriate release plan in place, this order is stayed for up to fourteen days to make appropriate travel arrangements and to ensure the defendant's safe release. The defendant shall be released as soon as appropriate travel arrangements are made and it is safe for the defendant to travel. There shall be no delay in ensuring travel arrangements are made. If more than fourteen days are needed to make appropriate travel arrangements and ensure the defendant's safe release, then the parties shall immediately notify the court and show cause why the stay should be extended.

☒ The defendant must provide the complete address where the defendant will reside upon release to the probation office in the district where they will be released because it was not included in the motion for sentence reduction.

☐ The defendant's previously imposed conditions of supervised release are unchanged.

☐ DEFERRED pending supplemental briefing and/or a hearing. The court DIRECTS the United States Attorney to file a response on or before _____, along with all Bureau of Prisons records (medical, institutional, administrative) relevant to this motion.

☒ FACTORS CONSIDERED (Optional)

Defendant Dominick Pugliese (“Defendant”)’s current health status is extremely grave. Defendant, who contracted COVID-19 while in custody, is hospitalized due to “severe COVID pneumonia,” is described as nonresponsive to stimuli, and is breathing only with the assistance of a ventilator. The severity of his condition suggests that at best he may be facing prolonged hospitalization and rehabilitation. In light of this fact, combined with Defendant’s underlying medical conditions (*i.e.* chronic pulmonary disease, asthma, and hypertension), the Court finds Defendant has demonstrated extraordinary and compelling reasons for release. Although the Court recognizes that Defendant still has several years left on his sentence, the Court does not find the ends of justice would be served by keeping Defendant in custody and denying his family access to his whereabouts while he undergoes serious illness. Accordingly, the Court will grant Defendant’s motion for compassionate release.

IT IS SO ORDERED.¹

Dated:

2/12/21

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania

¹ It is further ordered that, in light of the Government’s provision of Defendant’s medical records to Defendant’s counsel, the pending motion seeking disclosure of medical records (Doc. No. 293) is DENIED as moot.